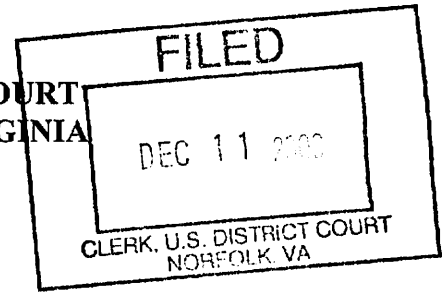


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



ROBERT L. MITCHELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:08cv632

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

Before the Court are the Motions for Summary Judgment by Robert Mitchell ("Plaintiff") and by the Social Security Commissioner ("Defendant") regarding Plaintiff's action for judicial review of the final decision of the Defendant denying Plaintiff's claim for disability insurance benefits pursuant to the Social Security Act. On January 27, 2009, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation.

On May 22, 2009, Plaintiff filed a Motion for Summary Judgment with memorandum in support. On June 22, 2009, Defendant filed a cross-motion for Summary Judgment accompanied by a memorandum in support and in opposition to Plaintiff's motion. On August 5, 2009, the Magistrate Judge filed his report recommending that the Commissioner's decision be Affirmed. By copy of the report, each party was advised of their right to file written objections to the


findings and recommendations made by the Magistrate Judge. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed August 5, 2009, and it is, therefore **ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED**, and Plaintiff's Motion for Summary Judgment is **DENIED**. Accordingly, the decision of the Commissioner is **AFFIRMED** and Plaintiff's case is **DISMISSED**.

The Clerk shall mail a copy of this final Order to counsel for both parties.

IT IS SO ORDERED.

Norfolk, Virginia
December 10, 2009



Raymond A. Jackson
United States District Judge